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**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 31 and 52**

**[FAC 2005-71; Item III; Docket No. 2013-0080; Sequence No.**

**5]**

**Federal Acquisition Regulation; Technical Amendments**

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

**DATES:** Effective: **[INSERT DATE OF PUBLICATION IN THE  
FEDERAL REGISTER.]**

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Secretariat Division (MVCB), 1800 F Street, NW., 2nd Floor, Washington, DC 20405, 202-501-4755, for information pertaining to status or publication schedules. Please cite FAC 2005-71, Technical Amendments.

**SUPPLEMENTARY INFORMATION:**

In order to update certain elements in 48 CFR parts 31 and 52, this document makes editorial changes to the FAR.

**List of Subject in 48 CFR parts 31 and 52**

Government procurement.

Dated: November 18, 2013.

William Clark,  
Acting Director,  
Office of Governmentwide  
Acquisition Policy,  
Office of Acquisition Policy,  
Office of Governmentwide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 31 and 52 as set forth below:

1. The authority citation for 48 CFR parts 31 and 52 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

**PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES**

**31.205-6 [Amended]**

2. Amend section 31.205-6 by removing from paragraph (p)(2)(ii) "January 1, 1998" and adding "January 1, 2012" in its place, (two times).

**PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

3. Revise section 52.202-1 to read as follows:

**52.202-1 Definitions.**

As prescribed in 2.201, insert the following clause:

DEFINITIONS ([INSERT ABBREVIATED MONTH AND YEAR OF PUBLICATION IN THE  
FEDERAL REGISTER])

When a solicitation provision or contract clause uses a word or term that is defined in the Federal Acquisition Regulation (FAR), the word or term has the same meaning as the definition in FAR 2.101 in effect at the time the solicitation was issued, unless—

(a) The solicitation, or amended solicitation, provides a different definition;

(b) The contracting parties agree to a different definition;

(c) The part, subpart, or section of the FAR where the provision or clause is prescribed provides a different meaning; or

(d) The word or term is defined in FAR Part 31, for use in the cost principles and procedures.

(End of clause)

4. Amend section 52.212-3 by revising the date of the provision and paragraphs (g) (5) and (h) (3) to read as follows:

**52.212-3 Offeror Representations and Certifications—Commercial Items.**

\* \* \* \* \*

OFFEROR REPRESENTATIONS AND CERTIFICATIONS—COMMERCIAL ITEMS ( [INSERT ABBREVIATED MONTH AND YEAR OF PUBLICATION IN THE FEDERAL REGISTER] )

\* \* \* \* \*

(g) \* \* \*

(5) Trade Agreements Certificate. (Applies only if the clause at FAR 52.225-5, Trade Agreements, is included in this solicitation.)

(i) The offeror certifies that each end product, except those listed in paragraph (g) (5) (ii) of this provision, is a U.S.-made or designated country end product, as defined in the clause of this solicitation entitled "Trade Agreements".

(ii) The offeror shall list as other end products those end products that are not U.S.-made or designated country end products.

Other End Products:

Line Item No.	Country of Origin
_____	_____
_____	_____
_____	_____

[List as necessary]

(iii) The Government will evaluate offers in accordance with the policies and procedures of FAR Part 25. For line items covered by the WTO GPA, the Government will evaluate offers of U.S.-made or designated country end products without regard to the restrictions of the Buy American Act. The Government will consider for award only offers of U.S.-made or designated country end products unless the Contracting Officer determines that there are no offers for such products or that the offers for such products are insufficient to fulfill the requirements of the solicitation.

(h) \* \* \*

(3) ☐ Are, ☐ are not presently indicted for, or otherwise criminally or civilly charged by a Government entity with, commission of any of these offenses enumerated in paragraph (h)(2) of this clause; and

\* \* \* \* \*

5. Amend section 52.212-5 by—

- a. Revising the date of the clause;
- b. Revising paragraphs (b)(34) and (e)(1)(xii);

and

c. Amending Alternate II by revising the date of the Alternate and paragraph (e)(1)(ii)(L).

The revised text reads as follows:

**52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.**

\* \* \* \* \*

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS ( [INSERT ABBREVIATED MONTH AND YEAR OF PUBLICATION IN THE FEDERAL REGISTER] )

\* \* \* \* \*

(b) \* \* \*

(34) 52.222-54, Employment Eligibility Verification (AUG 2013). (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

(xii) 52.222-54, Employment Eligibility Verification (AUG 2013).

\* \* \* \* \*

Alternate II ([INSERT ABBREVIATED MONTH AND YEAR OF PUBLICATION IN THE FEDERAL REGISTER]). \* \* \*

(e) (1) \* \* \*

(ii) \* \* \*

(L) 52.222-54, Employment Eligibility Verification (AUG 2013).

\* \* \* \* \*

6. Amend section 52.213-4 by—

- a. Revising the date of the clause;
- b. Redesignating paragraphs (a) (2) (v) through (a) (2) (viii) as paragraphs (a) (2) (vi) through (a) (2) (ix);
- c. Adding a new paragraph (a) (2) (v);
- d. Removing the newly redesignated paragraph (a) (2) (ix); and
- e. Revising paragraph (b) (2) (i).

The revised and added text reads as follows:

**52.213-4 Terms and Conditions—Simplified Acquisitions**

(Other Than Commercial Items).

\* \* \* \* \*

TERMS AND CONDITIONS—SIMPLIFIED ACQUISITIONS (OTHER THAN COMMERCIAL  
ITEMS) ( [INSERT ABBREVIATED MONTH AND YEAR OF PUBLICATION IN THE  
FEDERAL REGISTER] )

(a) \* \* \*

(2) \* \* \*

(v) 52.232-39, Unenforceability of Unauthorized  
Obligations (JUN 2013).

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(i) 52.209-6, Protecting the Government's Interest  
When Subcontracting with Contractors Debarred, Suspended, or  
Proposed for Debarment (AUG 2013) (Applies to contracts over  
\$30,000).

\* \* \* \* \*

[BILLING CODE 6820-EP]

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